



DISTRICT COURT OF GUAM
TERRITORY OF GUAM

IN THE MATTER OF THE
ARBITRATION BETWEEN
PACIFICARE HEALTH INSURANCE
COMPANY OF MICRONESIA, INC.
dba PACIFICARE ASIA PACIFIC,

Petitioner,

vs.

GOVERNMENT OF GUAM,

Respondent.

Civil Case No. 04-00030

ORDER

On June 18, 2004, the Petitioner filed a Petition for Appointment of Third Arbitrator by Court (the "Petition"), along with a Notice and *Ex Parte* Application to Obtain Court Appointment of Arbitrator.

On June 18, 2004, because of concerns it had regarding jurisdiction, the Court ordered the parties to submit briefs addressing certain legal issues. The Court also scheduled a hearing on the Petition for June 24, 2004.

On June 21, 2004, the Petitioner filed a Notice of Dismissal of Petition pursuant to Fed. R. Civ. P. 41(a). The Respondent, in turn, filed an Opposition to the Notice of Dismissal.

On June 22, 2004, the Petitioner filed a Memorandum in Response to Government's Objection to Dismissal, and the Respondent filed a Brief re Jurisdiction.

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, "an *action* may be

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1 dismissed by the plaintiff *without order of court* . . . by filing a notice of dismissal at any
2 time before service by the adverse party of an answer or of a motion for summary judgment,
3 whichever first occurs.” Fed. R. Civ. P. 41(a)(1)(I) (emphasis added).

4 In this instance, the Petitioner filed its notice of dismissal prior to the Respondent’s
5 filing of an answer or a motion for summary judgment. Accordingly, the action (*i.e.*, this
6 case) was dismissed on June 21, 2004 without further action by the Court. Based on the
7 voluntary dismissal by the Petitioner, the subsequent opposition by the Respondent is moot.
8 No further action is necessary by the Court as this matter has been dismissed without
9 prejudice.

10 SO ORDERED this ^{23rd}~~18th~~ day of June, 2004.

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13 JOAQUIN V. E. MANIBUSAN, JR.
14 U.S. Magistrate Judge
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